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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/790,243 | 03/02/2004 | Hiroaki Ichioka | P21-163375M/NY | 9895 |

21254 7590 06/08/2005

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| EXAMINER |
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BONCK, RODNEY H

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| ART UNIT | PAPER NUMBER |
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3681

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,243

Applicant(s)

ICHIOKA ET AL

Examiner

Rodney H. Bonck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/02/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a first action on the merits of application Serial No.10/790,243, filed March 2, 2004.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statement filed March 2, 2004. The cited documents have been considered.

Drawings

The formal drawings were received on June 16, 2004. These drawings are acceptable.

Specification

The abstract of the disclosure is objected to because it includes legal phraseology, *i.e.*, "means". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

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on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities: In line 15 of page 12, "hear cam" apparently should be -- heart cam --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 calls for "a circular second recessed portion", but neither claim 8 nor the claims from which it depends define a "first" recessed portion. Thus it appears that a portion of the claim may have been omitted or that its dependency is incorrect. Claims 10-14 all recite "said opening/closing controlling device" without proper antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nedbal et al.('775) in view of Asano('901) and Omata('828). The Nedbal et al. patent discloses a damper comprising a base member having a fixed cylindrical portion 12 and a rotating member having a movable cylindrical portion 14 with a viscous fluid interposed between the portions. A pinion gear 20 is rotatable integrally with the movable cylindrical member. The Nedbal et al. device damps opening and closing movement of a mechanism such as a glove compartment door but provides no means to latch the door. Asano provides a latching mechanism in the form of a cam 1, which

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can be considered a heart cam insofar as defined here. The cam is rotatably fitted around a fixed cylindrical member 7 and is provided with urging means 8. It would have been obvious to provide such a cam mounted around the fixed cylindrical member of Nedbal et al., the motivation being to provide for latching and unlatching of the door. The combination is seen as further obvious in view of Omata who teaches combining the latching and damping function in a single mechanism. Omata further teaches providing a gear 39 for meshing with the pinion gear. The provision of a pin member for cooperating with the cam is suggested in Asano at "P". Asano also teaches providing the movable portion as a drawer, while Nedbal et al. and Omata suggest that the movable portion could be a cover. In installing the cam member on the fixed cylindrical portion of Nedbal et al., the artisan would logically mount the cam so as not interfere with base member and thus would not overlap a fixing portion thereof.

Claims 7-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nedbal et al.('775) in view of Asano('901) and Omata('828) as applied to claims 1-6 and 10 above, and further in view of Arakawa('522). It would appear to have been obvious to one having ordinary skill in this art to provide a seat for the urging means for the purpose of preventing inadvertent lateral movement of the spring. In addition, Arakawa shows an urging means 6 with circular recesses 2a, 11b into which opposite portions of the spring are fitted. It would have been obvious to carry this teaching to Nedbal et al. as modified in view of Asano and Omata.

Conclusion

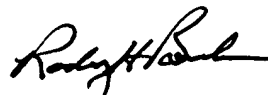
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmidt et al.('863), Umemura('282), and Arisaka('353) show rotary dampers. Foggini('530) combines a damper and a heart cam. Ohshima('269) show a damper spring having portions received in recesses. Omata('344), Omata('763), Fukumoto('728), and Komeya et al.('881) show opening/closing devices. Mitsutano et al.(JP 6-81533) is cited to show cam 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
June 2, 2005